

about me and about the work of our committee. He has been a very valuable tutor, friend, and companion during the work of our Committee on Appropriations since I have been on the committee, since January of 1981. I have learned a lot from him. I have learned to respect him in terms of the conscientious way he goes about carrying out his responsibilities to the people of West Virginia and also to the people of the United States as a U.S. Senator. We can all study his career and his dedication to public service with great profit for our own interests. We can be guided by his example and be very proud of our work product if we do.

Mr. President, at the appropriate time, I will ask unanimous consent that the committee amendment be agreed to and the bill as thus amended be considered as original text for the purpose of further amendment, and that no points of order be waived by the request. I give the Senate notice that I will make that unanimous consent request in due course, and it probably will occur immediately after our break for the policy luncheons of the respective parties of the Senate. I am happy to yield to any other Senator who wishes to make any comments. I understand the Senator from Minnesota would like to speak as if in morning business, and I yield the floor.

Mr. COLEMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. COLEMAN pertaining to the submission of S. Res. 442 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. COLEMAN. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 3594

Mr. GREGG. Mr. President, we are now on the supplemental appropriations bill. One of the issues raised in the supplemental appropriations bill, of course, is national defense. The purpose of this bill is primarily to fund efforts to fight terrorism and especially to make sure that our troops in Iraq and in Afghanistan have what they

need in order to effectively fight terrorism. A big part, however, of national defense is clearly border security—being sure that we know who comes into this country, know what their purposes are when they come into this country, and whether they are coming into this country for the purpose of visiting us or maybe participating in our economy or for the purpose of doing us harm.

Unfortunately, we have for a number of years experienced borders which are very porous. That is a function of our history—where we have always believed in open borders, especially with our neighbors to the north and to the south.

That has been one of our great attitudes as a nation—that we are an inviting nation, and we have always felt strongly that we should have reasonably open borders. But in the post-9/11 world—and especially in light of the dramatic number of people who have been coming into our country illegally—we can no longer tolerate that approach, unfortunately. We need to put more aggressive effort into making sure that we know who is coming over the borders and limiting those folks coming over our borders to people who want to come in here legally and who do not want to do us harm.

As a result of that, we have undertaken for the last couple of years an aggressive effort to significantly increase the number and the effort of our Border Patrol agencies—Customs, Border Patrol, Coast Guard, and ICE. In fact, over the last 1½ years we have dramatically increased funding for all of these different agencies. This chart lists those types of increases in those prior supplementals and in the last appropriations bill relative to border security. We increased Border Patrol agents by 1,500. That is a lot. That is an increase of over 10 percent in agents, an increase in detention officers by 650 officers, investigators, and detention beds—again, by almost 10 percent.

This is a significant ramping up of the number of, for lack of a better word, boots on the ground on our border—especially on our southern border. That is exactly what we needed to do. In fact, as we move into the outyears, the administration—the President specifically—has made a strong commitment to try to continue this increase in our border security.

This chart reflects how many agents we intend to add every year so that we can make sure we have the necessary personnel on the border in order to make sure that we can limit dramatically—in fact, basically stop—illegal immigration into this country, especially along the southern border.

The reason we have added 1,500 agents so far—and we intend to add another 1,500 or 2,000—and the reason we are not adding more every year is because the infrastructure can't handle any more, to be honest with you. We can't train more, and we actually can't

find more agents. In many instances, people who qualify—I have forgotten the numbers. I think it is something like 30,000 or 40,000 applications that we have to go through in order to get down to 1,500 agents.

It is actually hard to become a Border Patrol agent from a percentage standpoint of the number of people applying for the job versus the number of people who actually end up getting the job. It is harder to become a Border Patrol agent than it is to get into Harvard. That is because Border Patrol agents require special skills. They are talented people. And the type of folks we want to draw into this responsibility are people who have to have a tremendous amount of ability and expertise, and they are very hard to find. But they are good people, and we are adding to them dramatically.

We intend to get the Border Patrol up to 20,000 agents and an increase of detention beds of another 10,000. We will be literally able to control the southern border. We will no longer have this issue of people coming cross the southern border in waves illegally. Literally, we can stop that. We can do it, and we intend to do it. There is no issue about this. We intend to do this. However, we have found in ramping up the number of Border Patrol agents they have run into a fairly significant problem.

As an aside, I note that the only reason we have been able to increase these Border Patrol agents so dramatically is because Senator COCHRAN, as chairman of the full Appropriations Committee, has allowed the subcommittee, which I chair—the Homeland Security Subcommittee—to get special allocations in order to fund those.

It has really been out of his courtesy, his energy, and the support of Senator FRIST in this effort that we have been successful in basically increasing these numbers. We are on this path of basically being able to have enough boots on the ground in the Border Patrol area and Customs area and ICE area in order to adequately control the border.

What we found going through this process of expanding dramatically Border Patrol agents and Customs and ICE agents is that the infrastructure to support these people isn't there. They are driving old cars. For the most part they are flying helicopters which are 20 years over their useful life. Customs is actually flying airplanes that are 20, 30, or 40 years over their useful life. In fact, just recently the Customs agency was forced to basically ground all its Customs planes for a brief period of time, and the P-3 fleet, which is 40 years old, because these types of cracks developed in their wings. They obviously couldn't fly them. So they had to repair all of them—or not all but those that had this potential type of stress.

We have a very old fleet of aircraft. They are not able to do the job.

Equally important, in the technology area where we really should be more aggressive and where we really have

the capability of having a huge impact along the border through surveillance capabilities—not necessarily require people, but it can be done by electronics such as unmanned aerial vehicles—we only have one flying the border. Regrettably, that one crashed today. It is ironic that we have this amendment on the floor. The one UAV we have actually crashed. So we don't really have unmanned aerial surveillance. This is in the Arizona area.

We think actually we should not only have one but that we should have a fair number of UAVs on the border. The situation with the purchase and buildup of UAVs is that if we are to stay with the present budget projections, we wouldn't have the full compliment that we would need for 4 or 5 years.

The amendment I offer today is an amendment to try to address the capital needs of border security in the Customs account, in the Coast Guard account, in the Border Patrol account, and in the ICE account—the capital operational needs, not the people on the ground but the capital needs which are deemed to be in an emergency distress situation.

Why is this justifiable on this bill? Because this bill is about defense, especially relative to terrorism. Yet fighting the war in Iraq is critical to this war on terrorism, and fighting the war in Afghanistan is critical to the war on terrorism, but I think equally important is making sure that our borders are secure.

That is as big an issue as we have today in the area of fighting the war on terrorism. We can't be effective on that issue unless we have the resources and the people in order to take care of securing the border. We are moving toward getting the people, and we are bringing them on line as fast as we can in the context of our capability to hire new people. But what we do not have is the resources to be able to support these folks.

This amendment will essentially accomplish that. It will add money for airplanes, and specifically to try to address the issue of flying all of these P-3s that are so old. The vast majority of this money will be for aircraft—over \$700 million of it. It will add money for purchasing more UAVs so we can get these UAVs in the air sooner rather than later.

It cost about \$30 million to put one of these up, to put the electronics behind it and the command center behind it. It will add money for purposes of construction so that as we add these new Border Patrol agents and these other new agents in these other departments, they will have the physical facilities to be able to handle their day-to-day operational needs.

It will add cars and SUVs, which are so critical, especially in some of these harsh frontier-type environments which they face along the border. It adds helicopters. Almost all the helicopters they are flying today are 20 years over their useful life. We replace those.

In the area of the Coast Guard, it will put in the water the type of boats they need in order to chase down the boats that are basically being used for illegal transportation of people into this country. And it will also assist the Coast Guard in advancing their aircraft capability in that area.

All of this is critical to putting in place the infrastructure to make sure that as we put the people on the ground, they have the assets necessary in order to effectively control the borders.

It is an emergency. These facilities are either not there today, such as in the case of UAVs, or they are not working well today, such as in the case of the P-3s, or they simply have not been upgraded to the point of being effective as we move forward with this larger basically human commitment on the ground, such as in the case of headquarters and facilities for these folks to work out of, helicopters to move them around, and automobiles to move them around, or fast craft for the Coast Guard to use to get out there and do their job.

It needs to be stressed that this amendment is completely paid for. It is paid for within the context of the President's initial presentation. The President sent up here initially a \$92 billion proposal for emergency spending for the purposes of fighting the war on terror and addressing the issue of Katrina. Of that \$92 billion, approximately \$69 billion was specifically for fighting the war.

We have basically reallocated within that \$69 billion money to pay for this initiative. I feel very strongly, as do the cosponsors of this bill—and I will get to who the cosponsors are of this bill because it is important—that this issue be addressed sooner rather than later; that we give our Border Patrol agents the tools they need, Customs the tools they need, the Coast Guard the tools they need, in order to secure the border.

This will be a major step forward in making sure we accomplish this goal. The goal is to make sure, at least on the southern border, that we know who is coming across the border, that we can control that border, and we do it in the near term rather than waiting for the long term.

It is a fully paid-for amendment, keeping the proposal the President sent up here, keeping the integrity of that proposal, relative to the top line number which was about \$92.5 billion. So this amendment is done in that context. It does not take money from the additions that came out of committee. I happen to believe those additions were inappropriate. I am hopeful they will all fall by the wayside except for the avian flu one which is a legitimate emergency, and that when this bill is completed, either in the Senate or in the conference, it will be back to the original number prepared by the President.

I suppose I could have gone into the additional funding and taken it right

out of that, but that would not be a legitimate approach. I am trying to make sure this offset is legitimate to the initial number which was \$92 billion.

This amendment is cosponsored by myself, by the majority leader, Senator FRIST, who has been a tremendous advocate for this type of initiative, and by the senior Senator on the Democratic side, Senator BYRD, who also happens to be the ranking member of the Committee on Appropriations and the ranking member of the Subcommittee on Homeland Security. I very much appreciate Senator BYRD's cosponsorship and obviously greatly appreciate Senator FRIST's cosponsorship.

Again, I stress none of this would be able to be accomplished had it not been for the efforts which were well beyond what one might have expected from the Senator from Mississippi who a year and a half ago—after the administration regrettably sent up a budget which was woefully short because they allocated incorrectly for homeland security—he came forward and gave us an allocation which allowed us to put in place the people on the ground, the extra 1,500 border people, the extra beds which we are now trying to give to the backup facilities with what I would call a capital funding initiative for emergency capital needs of the Border Patrol. It was the Senator from Mississippi, the chairman of the Committee on Appropriations, who was able to get us on this path to a constructive and appropriate approach for addressing the border issue.

I believe the amendment is at the desk and I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mr. FRIST, and Mr. BYRD, proposes an amendment numbered 3594.

Mr. GREGG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide, with an offset, emergency funding for border security efforts)

At the appropriate place, insert the following:

TITLE —BORDER SECURITY
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY
OFFICE OF THE SECRETARY AND EXECUTIVE
MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, \$2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95

(109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, \$50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, \$60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$180,000,000, of which \$80,000,000 is for border patrol vehicle replacement and \$100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, \$790,000,000, to remain available until expended, of which \$40,000,000 is for helicopter replacement and \$750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction", \$120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, \$80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD
ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, \$18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS TITLE
REDUCTION IN FUNDING

SEC. ____ (a) REDUCTION.—Except as provided in subsection (b), the aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed \$68,962,188,000.

(b) INAPPLICABILITY TO AMOUNTS FOR MILITARY CONSTRUCTION.—Subsection (a) does not apply to amounts provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act for military construction.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator from Georgia has indicated he wishes to speak on the amendment and I defer to him.

Mr. ISAKSON. I commend the distinguished Senator from New Hampshire, the chairman of the Committee on the Budget, on the offering of this amendment for the emergency supplemental. This is so important.

We went through 2 weeks of debate prior to the Easter recess where we ended up doing nothing on the issue of immigration and illegal immigration. We did nothing because there was a fear in this country and there is a fear in this Senate that no matter what we do, if we do not fix the borders first, secure the borders first, there is no way whatever to have true, meaningful immigration reform legislation.

The distinguished chairman of the Committee on the Budget, in his original budget document and now again in this amendment, is proposing exactly what the United States of America must do; that is, appropriate the money to fulfill the promises to secure the border so we can gain control of

our immigration system and return to a system where people come to this country to work and to enjoy new lives and prosperity legally, where our borders are secure and our Nation is more secure.

I rise for a moment to point out that this amendment in and of itself to this emergency supplemental is, without question, the most significant component to the issue of illegal immigration and gaining control of our borders. I urge all of my colleagues in this Senate, when this amendment comes to a vote, to vote in favor of it. Only through appropriating the money and actually spending the money to make the investment, to improve the eyes in the skies in terms of unmanned aerial vehicles, to improve the boots on the ground, to more Border Patrol officers—the only way to do it is not with promises of authorizations but with the commitment of appropriations.

I commend the Senator from New Hampshire. I thank the Chair for the time. I urge all Senators to vote in favor of this amendment to secure the borders of the United States of America.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the committee amendment be agreed to, that the bill as thus amended be considered as original text for the purpose of further amendment, and that no points of order be waived by this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The committee amendment in the nature if a substitute was agreed to.)

Mr. COCHRAN. Mr. President, I appreciate the cooperation of Senators in laying this groundwork for the further consideration and debate of this bill. I particularly appreciate the comments of the Senator from New Hampshire with respect to the situation regarding funding for border security activities, programs, and equipment necessary to help guarantee the strict enforcement of our laws and to ensure integrity of our borders. His suggestion in this amendment is going to result in a major step forward in achieving our goals.

His comments about our efforts when the Department of Homeland Security was initially established and funding for various activities under the jurisdiction of that Department are appreciated very much, but his leadership is demonstrating we can do a better job. He has made another suggestion in the offering of this amendment that carries out that past practice of identifying ways to use funds wisely, make investments in equipment, personnel, and strategies that will lead to a higher level of security for our country.

The offset identified in the bill for adding this money takes it away from

certain Defense appropriations activities. We have consulted with the chairman of that subcommittee, the distinguished Senator from Alaska, Mr. STEVENS, and this offset can be accommodated, I have been advised, and without doing detriment to any military activities funded in this bill.

Unless there is a Senator who wishes to be heard in opposition or requesting a vote on this amendment, I recommend this amendment be accepted.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I have no objections to the amendment of the Senator from New Hampshire and would be fully supportive of it.

I will speak on another issue for about 5 minutes. I thank my colleague from West Virginia, our great leader, for ceding the time.

From one end of New York to the other, all the talk this past week has been on the high price of gasoline, the high price of oil, the high price of all petroleum products. Oil prices went up to \$75 a barrel. Gasoline went up 40 cents in 1 month.

This is not only burning a hole in people's wallets and pocketbooks, but it is also putting a real crimp in our economy. In upstate New York, in New York City, we depend on tourism. Fewer people will drive, fewer people will come. People are making decisions not to buy that extra outfit of clothes for youngsters, not to take the trip to see the grandkids because of the high price of gas and oil.

Yet, today, when the President spoke about this issue for the first time, we did not hear what we needed to hear. The President seems to think that gouging is a problem of the corner gas station. It is not. It is a problem of the dwindling number of large behemoth oil companies. We did not hear from the President the five words we need to hear: Get tough with big oil.

That is the problem. Of course we have a supply and demand problem. We know that. The big oil companies, faced with no competition, take advantage of every twist and turn. Katrina occurs and the price naturally would have gone up, but it goes up higher, stays high longer, and spreads to more areas than need be because the oil companies are taking advantage.

Now we have had the changeover to summer fuels. Again, that cuts down production for a short period of time. But the big oil companies take advantage and keep the price high for too long. Over the last 5 years, never has production been as low as it has been today and stayed so low.

The bottom line is simple. We let—and this happened under Republican and Democratic Presidents—we let 20 oil companies become only 5. When there are so few, there is no competition. And who pays the price? The American consumer and the American economy.

The record profits are not an accident or part of free market capitalism.

When you have so few energy producers, you are going to be taken advantage of. That is what the average citizen has found.

To ask for an FTC investigation, as the President did, about gouging, without mentioning big oil, does not make sense because it sure as heck is not the corner gasoline station.

The bottom line is we need to do three things: First, we most definitely need to conserve much more than we have. The fact that China's miles per gallon standards are higher than ours—and China is hardly an environmental country; they are doing it for economic purposes—should make us hang our heads in shame. We need a crash program to find new energy sources.

I, for one, am not averse to finding more fossil fuels while we wait for the new energy source to come online. The amount of money the President has proposed in this budget to do that is paltry.

Finally, we should, for the first time, seriously consider breaking up the big oil companies. As long as they have a stranglehold on us, we are not going to solve this problem. As long as they want to have fossil fuels be the dominant way we power ourselves and keep the prices high as possible and work in cahoots with places such as OPEC, we are not going to solve this problem. When there were 20 competitors, we always faced the fact that 2 or 3 would say I am going to expand market share by keeping the price a little lower. Not anymore. It does not happen.

When you ask, why have things gotten so much worse with oil prices and gasoline prices, part of it is supply and demand, but part of it is we let the antidote to collusion and gouging—good old-fashioned American competition—go by the wayside in the oil industry.

At some point I will be offering an amendment that we do a serious study about whether to and how to break up big oil as was once done about 100 years ago. I don't think there is any other solution that makes sense.

From President Bush, we finally heard some talk. But talk is cheap. The price of gasoline is not. We need serious action on conservation, on new energy sources, and on dealing with big oil if we are going to solve this problem and keep America as strong as possible.

I thank my colleague from West Virginia and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very able Senator.

Last month, the Senate began debate on immigration and border security legislation, part of which would authorize a whole host of items intended to secure our borders. The legislation would authorize the hiring of additional Border Patrol agents. The legislation would authorize the hiring of additional immigration enforcement agents and detention officers. The legislation would authorize border surveil-

lance technology and unmanned aerial vehicles.

However, the immigration bill is just an authorization bill. Now, if we are serious about border security, we must approve real dollars—real dollars.

Together with our colleague, Senator LARRY CRAIG, and with the support of my Homeland Security Subcommittee chairman, Senator JUDD GREGG, I led the effort in the Senate last year to appropriate hard dollars to begin to put real teeth into our border security agenda. We did not merely authorize the hiring of more Border Patrol agents; we appropriated hard cash, hard dollars to hire 500 more Border Patrol agents as well as more immigration enforcement agents and detention officers. The administration opposed this effort. But those 500 Border Patrol agents have been hired. They have been trained. They are now deployed on our borders defending our Nation and making us more secure.

As we continue to hire more Border Patrol agents and other immigration enforcement officials, we need to give them the tools they need to do their job. Yes. We need to start paying for those tools now so they will be available as more and more Border Patrol agents and immigration enforcement officials are hired and trained.

The Border Patrol needs new helicopters because the average age of its helicopters is nearly 40 years. The average age of our Customs primary fixed-wing aircraft is 30 years. All of our border enforcement officials, including the newly hired officials, need more vehicles, including all-terrain vehicles, high-endurance vehicles, and more buses to transport and remove illegal aliens. More radios are needed and other communications equipment, especially for those individuals operating in remote desert areas along our border.

Customs and Border Protection has a requirement for 18 unmanned aerial vehicles or UAVs. The immigration bill authorizes more UAVs, but until this morning, we had only one UAV operating on our border.

At 5:49 a.m. this morning, where were you? I was asleep. I bet you were, too. At 5:49 a.m. this morning, that one UAV crashed—get that, now—it crashed in the Arizona desert. Clearly, one UAV system is not adequate.

The amendment that Homeland Security Chairman GREGG is offering this afternoon provides \$1.9 billion—\$1.9 billion—in real dollars for our aging border security infrastructure. As ranking member on the Homeland Security Subcommittee, I support that funding. It provides \$120 million for fencing and tactical border infrastructure, including an additional \$20 million for the fence being constructed in San Diego. It provides—hear me, now—\$790 million for new helicopters, fixed-wing aircraft, UAVs, and the facilities to house and maintain them. It provides \$60 million for replacement vehicles for our border and immigration personnel. It

provides over \$150 million for communications equipment and sensors and cameras and other technology along our border. That ain't all, either. That ain't all. You better believe it. It provides \$60 million to expedite the interoperability of the FBI and Homeland Security fingerprint databases so that we can have greater confidence about whom we allow to enter this country.

We know that as security at our land borders is tightened, illegal aliens, drug runners, and, yes, terrorists also—terrorists—will turn to our waterways for entry into this country, our country.

According to Coast Guard statistics, the flow of illegal aliens through our waterways has more than doubled in the last 10 years, and it will continue to grow. It will continue to grow. The administration has concluded that international migration “will be one of the most important factors affecting maritime security through the next 10 years” and that “a significant commitment of security resources” is necessary. Yet—could you believe it—the President did not request any supplemental money for the Coast Guard to repair, replace, or enhance its ships, its planes, and its helicopters.

The Coast Guard secures our waterways, but the Coast Guard is doing it with ships and planes that, in some cases, date back to World War II. Man, that is a long time. How about that—doing it with ships and planes that, in some cases, date back to World War II? This has resulted in a huge gap between operational commitments and operational capabilities. For instance, total Coast Guard patrol boat hours were only 75,000 in 2004, compared to 100,000 hours in 1998. Under the administration's deepwater modernization plan, this gap will not be closed until 2012. Now, I wonder if I will be around that long. This gap will not be closed until 2012, at the earliest. How about that? Do you believe it? How about that?

Current Coast Guard maritime patrol airplanes can only provide half of the hours required to meet operational commitments. At the same time, funding constraints require maintenance on Coast Guard ships and planes to be deferred more and more every year. You may not be around that long, either. No. Who knows? From fiscal years 2001 to 2005, the Coast Guard deferred over \$121 million in maintenance needed for its surface fleet and \$159 million in maintenance needed for its air assets.

The administration has ignored this problem—ignored this problem—for too long. Recent budget requests by this administration have allowed this crisis to fester, and fester. The pending amendment provides \$600 million to accelerate the Coast Guard's program to modernize its fleet of ships and planes.

This funding will provide for seven additional maritime patrol airplanes and three new patrol boats. The funding in the amendment would also allow the Coast Guard to retrofit and arm its

helicopters, refurbish existing medium endurance ships, accelerate the production of new medium endurance ships, and provide the technology necessary for commanders to speak to each other through a common operating environment. This level of funding is consistent with the recently filed Coast Guard authorization conference report.

The President often says that we live in a post-9/11 world. Frankly, the Coast Guard's fleet of ships and planes is fit for the last century. To properly secure the maritime domain, the Coast Guard needs a fleet fit for this century—the here and now, this century.

If we are truly serious—and I hope we are—about securing our borders and not just engaging in rhetoric and hot air, then we will put real dollars—real dollars—where the rubber hits the road.

So, Mr. President, I urge my colleagues to support the Gregg amendment, the amendment offered by Senator JUDD GREGG, of which I am a principal cosponsor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I know of no further Senators seeking recognition on this amendment. I, too, support it.

I am advised that the leader wants to speak on the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I understand we are on the Gregg amendment now, and that will proceed under some fashion or form. I wish to take a few minutes to talk about an amendment I will offer when this amendment is dispensed with one way or the other.

I wish to announce my intention to offer an amendment to this supplemental bill to ensure that Federal funding appropriated for workforce investment is used to help people in genuine need and not to pay exorbitant salaries or bonuses to program executives.

The amendment I will be offering would address a gross abuse of Federal funds that was exposed recently in a State audit of the Central Iowa Employment and Training Consortium, or CIETC. The audit showed that three executives of this program were paid nearly \$1.8 million over the past 2½ years. The chief executive officer alone received almost \$800,000 in salary and bonuses over that period of time, which is nearly 8 times the salary paid to the Governor of Iowa.

Obviously, these levels of compensation are exorbitant and outrageous. What happened at CIETC is a scandalous abuse of the public funds and of

the public trust. It is also scandalous that these inflated salaries, technically speaking, may not be illegal under current law. The law states that executives in workforce enactment programs will be paid a “reasonable” salary. Unfortunately, that is a very elastic definition. There will always be a few bad apples, people who will stretch that definition in ways that are clearly unethical and wrong, even if not technically illegal.

On that score, CIETC is the only abuse that has come to light so far, to my knowledge. It is sort of the one bad apple in a program with an otherwise outstanding track record. Even one case of abuse is one too many. My amendment will ensure that there is no repetition of this very unfortunate incident.

To that end, my amendment encourages States to set maximum compensation levels for individuals employed by programs funded under the Workforce Investment Act, taking into account factors such as the State's cost of living, compensation levels for comparable State or local government employees, and the size of a State's job training program. In cases where a State fails to set a maximum salary, my amendment would impose a nationwide maximum equal to the Federal executive level of salary.

After the State audit of the Central Iowa Employment and Training Consortium was released on March 31, I urged the U.S. Department of Labor inspector general to launch a thorough investigation, and that investigation is now in progress. In addition, Iowa's State government is conducting a parallel investigation. I asked both the Federal and State investigators to report back to me with recommendations for preventing a repeat of the abuse that has occurred at CIETC. However, we can and should act now to fix the glaring problem here, which is the absence of any fixed ceiling on executive compensation in Workforce Investment Act programs.

Again, my preference, and the way the amendment is structured, would be for each State to set their compensation level. In cases where States fail to act, my amendment would set a maximum executive salary level across the Nation at executive level 2, which would be \$165,000 a year maximum; that is salary and bonuses, total compensation. As I said, that is equivalent to the Federal level 2 compensation.

Now, why did we pick that? Because that is the same maximum level that was set a few years ago for salaries in the Head Start Program when we uncovered a similar kind of abuse that was going on in the Head Start Program. So that is the level there. There had been several isolated incidents of exorbitant salaries in the Head Start Program and they have stopped, thanks to that salary cap.

Clearly, \$165,000 a year is a very substantial salary, but it might be appropriate in certain circumstances; for example, in the case of an executive who

is administering a very large Workforce Investment Act program, or one that is located in a high-cost city or State.

We need to establish executive compensation caps in the WIA-funded programs. As a ranking member of the Senate subcommittee that funds job training, I find it hard to get that funding. I fight hard because I know that quality job training provides a ladder or ramp of opportunity to many thousands of hard-pressed Americans, including individuals with disabilities and people who are laid off due to plant closings.

Workforce Investment Act programs have proved themselves to be enormously effective. They have earned broad bipartisan support.

There are four core programs under title I of the act:

No. 1, assistance to disadvantaged adults, including people with disabilities, to assist them in entering the workforce;

No. 2, assistance to dislocated workers;

No. 3, training and placement services for job seekers; and

No. 4, assistance to low-income youths under the age of 21, including tutoring, dropout prevention, job training, and adult mentoring.

Funding for Workforce Investment Act programs is chronically scarce and inadequate. On the one hand, we want the discretion to pay salaries that will attract talented administrators, and we need to keep in mind local cost of living considerations. But it is unacceptable—it is a betrayal of the public trust—when unethical individuals use scarce WIA funds to pay themselves inflated and totally unjustified salaries and bonuses. Current law creates an opening that makes this kind of abuse possible. But by setting a nationwide compensation cap that would include not only salaries but bonuses, we can prevent future abuse.

That is the purpose of my amendment. I think it is urgently needed. I had a conversation a little bit ago with Senator ENSIGN, who has been working on the Workforce Investment Act reauthorization bill. My staff is working together with his at this time to make sure that what we are trying to do corresponds. Now, you might say maybe we should wait until WIA is reauthorized. I hope it is, but the year is clicking by and we have a lot on our plate. It is a short work year. I am not sure if we are going to get it done. I might add that in the Job Corps Program there is also a compensation cap, and that is a level 1. Head Start was level 2. So we thought for Workforce Investment Act job training programs it ought to be probably at about level 2, maximum. Keep in mind, States can set it lower than that. It is based upon the size of the job and the cost of living factors and other factors. But they cannot go over that. That is what happened in Iowa. Unethical people were paying themselves, in one case, up to

\$800,000 per annum in salaries and bonuses, which is 8 times what the Governor makes.

So I intend to offer this amendment at some point later on when the Gregg amendment is disposed of in some fashion or another. I hope I can have the support of my colleagues in adopting this salary cap on Workforce Investment Act programs.

Mr. President, I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are on the supplemental appropriations bill, I understand. I heard the presentations by the chairman of the Appropriations Committee and the ranking member earlier today. I would be remiss if I didn't first compliment both of them. This is not an easy job. It is difficult putting together legislation such as this and bringing it to the floor of the Senate. I compliment Senator COCHRAN and Senator BYRD for their diligent work.

I know that others will speak at some length about various pieces of this bill. I know the bill itself is controversial. I know there will be amendments perhaps to strip provisions that are in the bill. I wish to speak specifically about legislation that I added, along with Senator BURNS and others on the Appropriations Committee, dealing with agricultural disasters. I wish to do that because I think there is a feeling by some that somehow this extra money that is a part of this legislation to try to respond to agricultural disasters or disasters faced by family farmers is something called pork, as some would put it, or is unnecessary, is extraneous, is unworthy. I wish to talk about that.

There is not a lot of talk on the floor of the Senate about family farming because I think, with the exception of perhaps one person here, we are not farmers. We don't get up in the morning on the farm. We don't milk cows in the morning. We don't check the cattle at night. We are Senators. We work here on the floor of the Senate. We give speeches, go to committee hearings, and travel back and forth on weekends, but we don't run a family farm.

Family farmers in this country by their very nature are risk takers. They don't know what is ahead. They are going to plant a seed and hope it grows. They plant a seed in the spring, and they hope that somehow they will harvest in the fall. They hope that after they plant that seed, they will get enough rain but, they hope, not too much rain. They hope they don't face a drought. If they get just enough rain, then they get a crop. Then they hope

when they get the crop that between when the rains come and the crops are ready to harvest, they don't have bugs, they don't have grasshoppers, they don't have disease on that crop. And then if, by chance, they are able to harvest that grain, they truck it to the elevator, and they are told by the elevator: This is the price. This is what the world price is. This is what the market price is. This is what the posted price is. If it is not what you expect, if it is below what it cost you to produce it, that is tough luck, that is the price.

So farmers take all those risks. Because they are substantial, we have decided for many decades in this country to build a bridge across those price valleys, to say to farmers: When times get tough, you are not alone. You are living out there on the land, under the yard light all by yourself taking those risks, and we want you to know when times get tough, this country wants to keep farmers on the farm. That is why we have a farm program.

The farm program used to have a disaster title. It doesn't any longer. I wish it did. I think it should, but it doesn't. We have had to do disaster programs now on an ad hoc basis. So we added a disaster provision to this supplemental appropriations bill. We do that because we have had weather-related disasters all around the country. In the Gulf Coast we had a devastating disaster, perhaps the worst natural disaster in the history of this country, called Hurricane Katrina. I can't pretend to know what it did to the Gulf of Mexico, to the people who live in the Gulf Coast region, in Louisiana and Mississippi and elsewhere. But my heart goes out to them, and I have wanted to be a part of everything that is done here in the Congress to extend our hand to them to say: You are not alone. This country wants to help. This country insists on helping in a time of need.

Family farmers in the gulf, I understand, got hit hard as well and, in many cases, lost their entire crops, just gone. We should and we will, and with this legislation, we did provide help to them. With this legislation, we say: If you planted a crop or if you couldn't plant a crop and your crop was destroyed, we are going to help you with a disaster plan. Our point was that there are farmers in the gulf who desperately need help, and there are farmers in other parts of the country who need help as well.

I want to show you a couple of pictures. This is of a little town called Souris, ND. This town called Souris, ND, as you can see, was inundated with water in June of 2005, with torrential rains that were just devastating, torrential rains that came to this area and several other areas of my State. The result was over 1 million acres—over 1 million acres—couldn't even be planted. Those farmers who had those acres, they didn't have a crop. They had a building and a family and a yard light, but they had nothing to harvest because they couldn't get anything

planted. Another nearly 1 million acres was planted and then washed away by these torrential rains.

Another scene in Souris, ND. I could show many pictures of exactly the same circumstance in parts of my State that suffered devastating flooding. These farmers need help. Other farmers in States such as Illinois, for example, where they had the third driest year last year since 1895, are facing a drought. They too need help.

Last December, I offered a disaster amendment to the Defense Appropriations bill when we were in conference. The Senate conferees accepted it, and the House conferees rejected it. That is what brought us to this position on this emergency supplemental of offering another disaster bill. The support in bringing that package to the floor of the Senate by Senator COCHRAN, who has always been a very strong advocate and supporter of family farming and American agriculture, and the support by Senator BYRD and others when we offered this in the Senate Appropriations Committee, was very heartening. It was approved unanimously in the Appropriations Committee. So it now exists on the floor of the Senate. It is, in many cases, the distance between being able to continue farming and being forced off the land for a good many families in this country.

We have a fellow in North Dakota named Rodney Nelson who writes. He is a farmer and a rancher in Elmton, ND. He wrote a question once. He wrote a question on a piece of paper, and then asked this. He said: What is it worth?

He was talking about farming. He said: What is it worth? What is it worth for a kid to know how to weld a seam? What is it worth for a kid to know how to build a lean-to? What is it worth for a kid to know how to drive a tractor, grease a combine? What is it worth for a kid to know how to butcher a hog? What is it worth for a kid to know all of these things? What is it worth for a kid to know how to teach a calf to suck milk from a pail? What is that worth? What is it worth to have a kid know how to plum a door? What is that worth?

We know what it was worth in the Second World War. This country sent millions of young men, particularly off America's farms, all around the world to fight. They could do anything. They could fix machinery, they could overhaul an engine, they could do anything. They knew how to weld, they knew how to build, they could do anything. There is only one university in America where they teach that, and that is the American family farm. It is the only place where you get that education. And the question is, What is it worth? What is it worth to a country?

That is the question I ask when we offer legislation to say that when family farmers get hit by torrential rains or drought, when family farmers get hit by devastating occurrences of weather that destroy their crops, destroy their ability to make a living,

the question then is, Will Congress want to help? Should Congress help?

The answer, in my judgment, is yes. It is important not just for those families living out on the farm; it is important for the character of this country.

There was a wonderful author who wrote some remarkable books about small towns and family farms, and he talked about the seedbed of family values in America, in American history coming from family farms. And that seedbed of family values that comes from family farms and rolls on to small towns and big cities and nurtures and refreshes the character of this country is something that is very important to that which we call America. That is why the desire that I and my colleagues, Republicans and Democrats alike, have to offer a disaster piece on this emergency supplemental bill is so important. This isn't about words; it is about saying to families who were devastated by weather disasters, who are living out on the farm, far from town, under a yard light, struggling to try to make a living, raising a family, to say to them: We understand what you are facing. You are not alone, and we want to help. That is why this piece is in this legislation.

Again, I compliment the chairman and I compliment the ranking member for their work.

Let me mention one additional piece. A number of my colleagues today have mentioned the energy issue, particularly with respect to the price of gas and oil and the price of fuel. There isn't anybody hurt much more than family farmers with what is happening to the price of energy, and the price of gas and diesel, especially. Family farmers are heavy users of fuel. It is the way they plant their crop in the spring, and it is the way they take their crop out in the fall, with the heavy use of fuel and the heavy use of nitrogen and fertilizer. So there is nobody that is hurt more by what is happening with the price of gas and oil than family farmers. It is devastating to them.

This legislation also includes a partial offset with respect to a percent of direct payment that farmers receive as a result of what is happening on energy prices. But with respect to that, I want to make another point. We hear these days that what is happening with respect to the price of gas and oil is the function of the market. There is no market price that is a fair market price for oil. First, you have OPEC ministers that sit around a table from OPEC countries and talk about how much we should produce and how much we expect to get for it. That is No. 1. That is called a cartel; that is not a free market.

Second, we have oil companies. They used to have one name, now two names, and sometimes three names. Why? Because they all got married, decided to merge; big, blockbuster mega mergers, bigger and stronger, with more raw muscle in the marketplace.

Third is the futures market which is supposed to be a market that establishes pricing strategies, but the fact is it has become an orgy of speculation. It is an unbelievable orgy of speculation.

So you have three things: The OPEC ministers, the bigger oil companies, bigger by merger, and then a massive amount of speculation on the futures market. Then we are told: Here is the price of oil, it is \$73. If you don't like it, tough luck. If you don't like it, you do not understand; it is the free market. That is total baloney. There is no free market here. All the pain is on the side of the consumers who pay 50 bucks or 60 bucks for a tank of gas, and it is like hooking a hose right up to the pocketbook of the American people to suck money right into the treasury of Exxon. That is what this is about. I am not anti-oil. We produce oil in our State. We also are heavy users of energy in our State. But what I am feeling strongly about is not about profits, it is about profiteering.

When companies decide they are going to ride this price in a way that injures the American people—and I believe what is happening today does do injury to the American people and is unfair and is not part of the so-called capitalistic market system—then I think Congress has a responsibility to act.

The President said this morning the Federal Trade Commission should do an investigation. I and a couple of my colleagues wrote a piece of legislation last year that became law as part of the Energy bill that requires the Federal Trade Commission to do the investigation. If the President had called the FTC, he would have understood that they have been doing an investigation and will report sometime toward the end of May.

I have to confess, however, that I believe the Federal Trade Commission has been dead largely from the neck up for some long while. I don't expect great results at the end of May, but, nonetheless, they are required and will be reporting the results of an investigation sometime in mid to late May.

I believe there should be investigations. I believe the issue of market manipulation is real. When you have market manipulation or potential price gouging, the way the system works in this country, there ought to be a mechanism by which you investigate it and take action if necessary. But I believe in the meantime, when the price of oil goes where it has gone, and where, with the historical circumstance that in 2004, at \$40 a barrel average price, the oil industry had the highest profits in their history; and now with the price of oil at \$65 and \$70 and \$72 a barrel, we have profits far in excess of that, despite the fact that the oil companies haven't done anything to generate those profits. They have just come. I believe those profits above the \$40-a-barrel pricetag is a windfall.

The oil companies say: Well, we need all those profits because we are sinking

that back into the ground to look for more energy. If they were doing that, I wouldn't be here talking. But that is not what they are doing. They are buying back their own stock. They are drilling for oil on Wall Street. And, oh, by the way, there is no oil on Wall Street. That doesn't come from me, that comes from Business Week: Drilling for oil on Wall Street, and that is all about using the capital on Wall Street to become bigger through mergers, buying back stock, drilling for oil on Wall Street, or paying a retired CEO, according to press reports, up to \$400 million for a retirement package. That is not a golden parachute, that is a platinum parachute, one that I have not heard of before.

Does that anger the American people? It sure does, and they have a right to be angry. Something is wrong with this system.

My colleague, Senator DODD, and I offered an amendment last year that would have imposed a windfall profits rebate on profits above \$40 a barrel at which price the oil companies have the largest profits in their entire history, and then we said this: But if those profits are used to sink back into the ground for additional exploration or to build refineries above ground, if those profits are invested back to expand the supply of energy which will inevitably, hopefully, reduce the price of energy, the price of gasoline, then they will not be subject to the windfall rebate. If the oil companies, in short, are doing what they say they are doing, then they will not be affected. If they are not, if they are buying back their stock and drilling for oil on Wall Street and paying executives \$400 million for a retirement package, then they get hit with a windfall profits rebate. All of the money will be sent back to the American consumer as a rebate. All of it.

It is not a revenue-raising measure. It is not designed for the purpose of raising money for the Government. It is designed for the purpose of righting a wrong: Taking the windfall profits and sending it back to the consumers as rebates from whence it came.

We expect to offer that again. We didn't succeed last fall. I suppose someone could make the point that you didn't succeed because it wasn't a very good idea. I would disagree strongly. I think it is the right idea. My hope would be that when we offer it again on this supplemental that we will be successful. One way or another, I think the American people want this Congress and this President to stand for their interests.

I know we have larger energy problems, longer term energy problems; I understand all that. We have price-gouging legislation, and we have all kinds of issues that we need to deal with. A good start would have been in early 2001 with the meetings for which we still have not received public information. Notwithstanding that, we are where we are today and we need to find our way out of this. The point I was

trying to make is that no industry, no group of people are hurt more, in my judgment, than family farmers. All Americans are facing pretty stiff penalties with these prices, but family farmers are devastated by these gas and diesel prices. For that reason, I think it is ever more important for us to support the disaster package that has come as a part of this emergency legislation brought to the floor of the Senate today.

Again, I will speak at another time on the floor about a couple of other pieces of this legislation. I am enormously proud to be a part of the Appropriations Committee. I think we have a great committee. We work well together. It is a bipartisan committee. I think the legislation we have brought to the floor, while not perfect, and while we might alter it in one way or another, I don't know, but I think given the President's request, this Senate is responding.

Let me make this final point. One of the responses with this legislation is to replenish the accounts in the Department of Defense with respect to what we are asking our men and women to do in the service of our country. I think each time we have done that, the chairman and ranking member and every member of the Appropriations Committee has indicated that when we ask men and women to wear America's uniform and go abroad and serve in harm's way, we are going to do everything conceivable, everything possible to fund that which is necessary for them to do their job. That is at least a part, a significant part, of this legislation as well.

I yield the floor.

Mr. HARKIN. Mr. President, with the concurrence and approval of my chairman of the Appropriations Committee, I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3600

Mr. HARKIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator GRASSLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Iowa [Mr. HARKIN], for himself and Mr. GRASSLEY, proposes an amendment numbered 3600.

Mr. HARKIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the compensation of employees funded through the Employment and Training Administration)

At the end of page 248, line 22, insert the following:

SEC. . None of the funds appropriated in Public Law 109-149 under the heading Employment and Training Administration shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess

of Executive Level II. Where Employment and Training Administration funds appropriated in Public Law 109-149 are used for compensation of an individual, the total federal funding that may go to compensation of that individual shall not exceed a rate in excess of Executive Level II. States may establish a lower limit of total compensation for those receiving compensation from Employment and Training Administration funding employed in that state, taking into account factors including the relative cost-of-living in the state, the compensation levels for comparable state or local government employees, and the size of the organizations that administer federal programs involved including Employment and Training Administration programs.

Mr. HARKIN. Mr. President, this is the amendment about which I spoke a little while ago on the Senate floor regarding setting a maximum national cap on salaries and bonuses for people employed in the Workforce Investment Act programs across the United States. As I said earlier, States can set lower, but this would at least set a maximum which anyone could be paid in salaries and bonuses in any of those programs.

I thank the chairman of the committee for being willing to let me set aside the amendment and offer this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

ENERGY

Ms. CANTWELL. Mr. President, I come to the floor and join my colleagues on both sides of the aisle who have been here for the better part of today, discussing the President's comments this morning about energy legislation and about price gouging and about the Department of Justice and Federal Trade Commission investigation of energy prices.

Many of my colleagues here in this body know how important this is, and how important it is that we move forward. Yet I think we have actually been investigating for months. The fact remains that we need to do a more aggressive job in looking at the issue of price gouging. Fifty-seven Senators here supported legislation in November of last year, giving the tools to the FTC, the attorneys general, and to individuals who are responsible at the Department of Justice to investigate price gouging. It is that same legislation that I think would help us in moving forward today, giving consumers confidence as they head into the summer driving season that we are doing everything in our power to get serious about a Federal price gouging ban and that we are going to make it a Federal crime.

This legislation would create a new ban on price gouging during national energy emergencies, giving the President authority to declare that emergency. It would give the Federal Trade Commission and State AGs and the Department of Justice the ability to levy civil and criminal penalties for proven price gouging up to \$3 million and 5 years in jail. And, on an ongoing basis,

it would put in place a new ban on market manipulation and giving false information to the FTC or the Department of Justice.

If you think about it, it is similar to some of the requirements for those involved with the Securities and Exchange Commission and the Commodity Futures Trading Commission, and the standards they are required to meet. This bill also gives the FTC the authority to levy fines up to \$1 million for each violation of market manipulation, that is the market manipulation and false information prohibitions in this legislation.

Some people would say \$1 million for price gouging doesn't sound like a lot of penalties, but this is \$1 million for each violation of the market manipulation ban. If you think about it, in the context of the market manipulation that is being discussed right now in the Enron trials, on an ongoing basis there were probably hundreds of instances of market manipulation related to Enron.

My colleagues and I offered this price gouging legislation on the floor and it received 57 votes, so I think it is time the Senate comes together on a very aggressive approach to tell consumers that we will protect them this summer. The reason I say it is imperative we do this now is because for the last 5 years in the West we have suffered through the aftershocks of the western energy crisis. That is, we have suffered the consequences in my State of the market manipulation that Enron engaged in. And five years later, really, we have gotten very little relief from Federal regulators on that issue.

What happens during periods of dysfunctional markets, where there is a lack of transparency, is that many people are hurt. Businesses are hurt, individual consumers are hurt, even school districts are hurt. We had one school district in Washington state that basically had to pay \$2 million in additional energy costs because of Enron and manipulated energy prices, and thereby ended up not hiring teachers or buying books.

All this leads to a simple and inescapable conclusion. And that is, when it comes to energy commodities that power our economy, we have to be very aggressive at protecting consumers. We need to do everything in our power right now at the Federal level to put us on the right course and to fashion legislation that will help protect consumers now.

If you think about the President's request, he is saying the Department of Justice and the FTC should investigate. We do not even have the authorities and remedies in current law that would help in pursuing these cases and bring these individuals or corporations to justice if market manipulation is found. So I encourage my colleagues to move quickly on legislation that would give the Federal government the true tools we need to investigate market manipulation and to pursue remedies on behalf of consumers. Let's not

wait several months into the summer season, as consumers are already being hurt at the pump, to come to this conclusion.

Since we have already had 57 Senators, a majority of the Senate, support this legislation, why not pass it out of the Senate and give consumers the confidence that, as they hear the earnings reports from oil companies in which they are making billions in profits, we are not going to give them a pat on the back. Instead, we are going to give a helping hand, to protect American consumers at the pump this summer, as these prices are expected to continue to rise.

UNANIMOUS CONSENT REQUEST—S. 1735

Mr. President, I ask unanimous consent the Commerce Committee be discharged from further consideration of S. 1735 and that the Senate proceed to immediate consideration of that legislation, that the Cantwell amendment which I am sending to the desk be considered and agreed to and the motion to reconsider be laid on the table, that the bill be read three times and passed, the motion to reconsider be laid on the table, without intervening action or debate.

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. CANTWELL. Mr. President, I hope my colleagues will consider this. This Senator will continue to be vocal on passing Federal legislation to make price gouging a crime. I hope this is legislation that we can take up in the next several days, or at least in the next weeks, so we are giving consumers before the Memorial Day recess the confidence that we have serious teeth in Federal legislation to protect them at the pump.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, by way of explanation, the objection was lodged because we are currently considering a supplemental appropriations bill on the floor of the Senate to appropriate funds to the Department of Defense, Department of State, and assist gulf states in recovery from the devastation cautioned by Hurricanes Rita and Katrina. The request posed by the distinguished Senator would have not only required the Senate to turn immediately to the consideration of the bill she is offering, but that it be considered read, the debate concluded, no amendments be in order, and that it be passed and the motion to reconsider be laid upon the table.

It is the judgment of the managers of the bill that the thing to do now in the Senate is to complete action on this supplemental appropriations bill. Over \$100 billion is being requested, approved by the Senate Appropriations Committee, to fund these needed activities, many of which are designed to protect our Nation's security. So under those circumstances I felt compelled to object.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I will comment generally on the issue before the Senate, the issue of supplemental emergency spending.

Obviously, these last number of years we have had some emergency activities. Whether they be the war on terror or Katrina, they are unusual expenditures. From time to time, everyone experiences that, whether in your personal life or in business. After unusual expenditures, we have to make some effort to make up for that special spending so we can get back within our budget, we can get back to holding down the deficit to do something about the financial situation caused by the unusual expenditures. That is tough. Nevertheless, it seems to me that is a principle which is very important.

I will react a little bit to what seems to be the case in the Senate. We are talking about emergency spending. The bill we are debating today is expected to be about emergency spending. It is important we give a little thought to what that means and not be inclined to use this opportunity to make expenditures that would be very hard to entitle "emergency spending."

By definition, emergency spending is a supplement that breaks the caps and authorizes spending we did not account for or do not account for in the budget. Some expenditures are hard to justify. We have the "emergency" regarding the war on terror; however, we have been in this for 4 years. We have known about it for some time. It did not happen instantly. Hurricane recovery ended almost 5 months ago. It is a little of a stretch to say these are emergencies we did not know about. We did know about them, and we passed our budget resolution without including them. In that sense, there was no reason to exclude them from the regular budget process.

I understand that—hopefully—these are temporary expenditures. I will concede that a supplemental measure may be a more appropriate way to add the funds to the baseline budget. That said, the bill that resulted from emergency requests is then used to go beyond that scope, in some instances. Instead of narrowly controlling spending, this has become an overall opportunity for projects that have very little, if anything, to do with hurricane recovery or the war on terror but instead is used for a number of other items.

Mr. President, \$92.4 billion in additional spending was requested. We are now considering a bill of \$106 billion. That is a substantial increase. That is a substantial excess of what could be

termed “emergency spending.” We ought to give it some consideration.

The original request was far from pocket change, of course. It was a very large request in the beginning. Yet we apparently felt compelled to add significant new spending regardless of the size of that. Almost all spending can have an argument made for it. There is an endless need. We have to follow a procedure that puts some limits on what we do.

I don’t think there is any Member who does not believe that spending has gotten a bit out of control. If we look at the percentage of spending in our budgets over the last several years, it has gone up. There are many factors, including the consideration of the role of the Federal Government with respect to the State government and local government. Do we just continue to spend as if there is no end? I think not. Certainly, when we take a look at the deficit we have created, it has to be resolved.

As I said, I am sure everything included involves a need of some kind. However, we have to set priorities. It seems to me we have a responsibility to the taxpayers to try to reconcile these unusual expenses we have had over the last several years and deal with those expenses so we get back to where we are with the budget, get back to where we are with a programmed movement toward reducing the deficit.

I cannot think of anything that is more important than to be fiscally responsible for what we are doing. There is no end to requests for spending. I understand there are needs out there. However, I have come to the point where we have to take a look at where we are, what we are doing, what our constraints are, what they should be, and begin to exercise a little more constraint and responsibility. I am very uncomfortable moving entirely over to emergency spending on these big items and then coming up with the request for emergency spending and adding another \$15 billion, or whatever the amount is, on top of that and putting it out there to deal with.

I hope we do have discussions on these items. Quite frankly, I hope we can return to where we were so we can at least hold it to that amount requested for what is called emergency spending. If needed, we may have to offset something. I may offer an amendment that strikes altogether the spending earmarks that exceed the President’s request. We ought to talk about that in terms not only of each individual expenditure, which we always do, but talk about it in terms of the policy, in terms of the overall direction we are taking and how we are going to resolve this issue of increasing spending and deficits. It is time to come to the hitching post and take a look at how we are going to do that. I look forward to the debate that will take place.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, as I understand the state of play on the floor—I have been at meetings—it is that I should withhold offering any amendment now. But I am going to speak to an amendment I will be offering during the debate on the emergency supplemental bill.

When we last debated budget matters here on the floor, I came to the floor to indicate I was going to attempt to repeal the \$2.6 billion in tax breaks the Energy bill afforded the oil industry. I want to give my colleagues the context in which I raised it then, raise it now, and will raise it again.

It is very easy, I understand—I have been here a long while—to demagog the oil prices and oil industries and big companies, and, when things get tough, to talk about blaming everybody’s problems on profits of companies.

Well, the President, today, spoke, as many of us have up to now, on the need to investigate and determine whether there is any gouging going on with energy prices today by American oil companies. But that is not why I am here at this moment.

Senator SPECTER, the chairman of our Judiciary Committee, held a hearing in the Judiciary Committee a couple weeks ago, before the Easter recess, where he summoned, if I am not mistaken, the CEOs of the six largest oil companies. It may have been only four oil companies and one gas company and one energy company. But I think it was six. I will get for the RECORD exactly how many. But he included the chairman of the board of Exxon and other major oil companies. And the issue was whether there was some form of price fixing or gouging going on.

It came my turn to question. There had been a good deal of discussion about how much money in annual profits and quarterly profits companies were making. At that time, it was reported that ExxonMobil reported the highest annual profits, \$36 billion, of any corporation in American history. That was not a surprise in the sense that they have had a great windfall with oil prices.

We were at our conference lunch today and someone said: Oil is going to go to \$4 a gallon. And Senator BOXER, sitting next to me, said: It’s already at \$4 a gallon in my hometown in California.

Well, it is well over \$3 a gallon in most of our constituencies, and we are paying that money, in my view, because we lack an energy policy. We lack an energy policy. And the one that has been written has been written basically to benefit big oil and big gas.

Since President Bush took office, oil prices have doubled, with at least a 100-

percent increase, and high gas prices, that make us uneasy at the pump, have been very good for major oil companies. They are more flush than they have been anytime in history. Prices went up during Katrina. Six months later, we learned that all three oil companies made record profits of a total of \$111 billion.

So why am I on the Senate floor about this? Everybody knows this. I am stating the obvious. When it came my turn to question in the Judiciary Committee, I asked the question of the chairman of the board of Exxon—and Senator SPECTER had sworn all of the witnesses in, so they were testifying under oath. And I said: May I ask you a question, Mr. Chairman—the chairman of Exxon. Then I went down the line to the rest.

I said: Are you aware of the incentives in the Energy bill we passed last year—that I voted against—which provided over \$2.6 billion in incentives to oil companies in order for them to go out and find, invest, drill, and seek new resources and increase their capability to deliver to the market?

He said: Yes, I’m aware of that.

I said: Do you need that? In light of a \$35 billion profit, is there anything you can tell me that would justify us giving the industry, including you, an extra \$2.6 billion in incentives?

I might add, so we put this in proportion, for \$1.4 billion, we could put portals at every single major port in the world that could detect whether a cargo container had a radioactive device and/or a radiological device or a nuclear device in that cargo container. But it would cost \$1.4 billion. We are not doing that right now, in large part because of cost.

So just to put this in perspective, \$2.6 billion to incentivize the oil industry now, could be used for a whole lot of other things. I am sure other of my colleagues would suggest there are other ways to use that money, not the least of which would be to reduce the deficit. But there are other ways to do it. So it was not an idle question. We are not just talking about a little bit of money.

I do not think the chairman of ExxonMobil liked my asking the question. But he indicated that, reluctantly, when I reminded him he—well, in fairness, I probably did not have to remind him he was under oath—but he indicated, no, he did not think that his company or the industry needed that incentive in light of their economic circumstance.

Then I went down the line. And I will submit for the RECORD the names of each of the companies represented and the names of each of the CEOs sitting in the witness chair. Every one of them answered the exact same way. They all said: No, we do not need this \$2.6 billion. We don’t need any incentive in order to be able to proceed to maximize productivity, to maximize discovery, to maximize product now.

And then I went back to the chairman of Exxon—I worked my way down

again—and I said: Would you support an amendment I would offer repealing that incentive? And even more reluctantly, he said: Yes.

I then went and asked that question to all these oil company executives, and they all said: Yes.

So not only do they all acknowledge it is not needed, they all indicated, from the best of my recollection—and, again, I will submit for the RECORD their exact statements—I may be wrong about one or two of them, but not on whether they needed it but whether they supported the repeal. I think they all supported it.

Mr. President, I ask unanimous consent that relevant testimony before the Judiciary Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator BIDEN. Well, I mean, that is like saying—anyway, I do not have time because of the 5-minute rule here. Let me ask you, do any of you need, to be able to do what you are doing now, \$2.8 billion in incentives the Federal Government is having other taxpayers pay for?

Mr. TILLERSON. Well, Senator, we did not lobby for any—

Senator BIDEN. I did not say you did. I am just asking, do you need it?

Mr. TILLERSON. No.

Senator BIDEN. Because you all point out we have to find alternative energy. It seems to me we should take the \$2.8 billion that you all are getting, and we should put it into encouraging alternative energy. We should go out and do—right? What do you think?

Mr. MULVA. Senator, most of those incentives are directed towards energy in total, which is not necessarily the oil and gas business.

Senator BIDEN. Oh, it is mostly you guys. Mr. MULVA. And second, it goes to independent producers, which are primarily the bedrock of most of our—

Senator BIDEN. But your company will not be upset if we take those away, right?

Mr. MULVA. Correct.

Senator BIDEN. None of you will object to us taking away those \$2.8 billion of incentives as they apply to you, is that right?

I note for the record, everyone is saying okay.

Mr. KLESSE. Senator, excuse me.

Senator BIDEN. Do it quickly, I only have 24 seconds.

Mr. KLESSE. Okay. Valero, we were interested in the incentives to expand refining capacity. That's our business, and we were interested in it.

Senator BIDEN. Do you still need it?

Mr. KLESSE. Do we need it?

Senator BIDEN. Do you need them to expand?

Mr. KLESSE. No.

Senator BIDEN. Good, okay, that is all I need. So they are all for my bill. I want the record to show no one thought it would be any problem withdrawing it for all of them. Even though I only have 2 seconds left, I yield.

Mr. BIDEN. I have a simple proposition I am going to present to the floor. Although on a supplemental we cannot change tax policy—we all know the blue slip rule, and to use the jargon my friend, the chairman of the committee, understands better than anybody here, I cannot, we cannot, legislate tax policy on this bill that does

not originate in the House, and so on—what I do want to do is, I want to get the Senate on record with a sense of the Senate that the Senate Finance Committee report back within 90 days a piece of legislation repealing—repealing—this \$2.6 billion in incentives provided to the oil companies.

Now, the fact is, there are going to be some on this floor—and I am prepared to listen to the argument because when I raised this before, some argued: Well, smaller companies, companies producing less than 500,000 barrels a year maybe need this incentive, that they may need this incentive to maximize their capability of producing oil. I do not think that is accurate, but I am prepared to listen to that. I am prepared to listen to that.

But for the time being, I want to put my colleagues on notice that the last group in the world that needs a tax break now is the oil companies—the absolute last—not because they are bad guys, not because of anything else. I do not even know if they asked for it.

I often say to my friends on this side of the aisle that sometimes folks on my side make a mistake. They don't realize that rich folks are just as patriotic as poor folks. When you are handed windfalls, even poor folks would not turn their nose up at them. I don't know whether the oil companies insisted on this being in the Energy bill or not, but I know they think it is not needed. I do know they say they would support its repeal. So if there is anything—to use the phrase of a former head of the Intelligence Committee—that has been a slam dunk in my 33 years as a U.S. Senator, this should be it. We can reallocate \$2.6 billion to needed, worthwhile initiatives and/or reduction of the national debt or deficit, and we can do it with the very recipients of that \$2.6 billion saying they don't need it, they don't want it, and they support us taking it away.

So I cannot think of anything at all that can justify us keeping in the law a tax break for a group of folks who do not need a tax break at all. The American people need a break from these incredibly high prices. It seems to me that this is nonpartisan, and it is a no-brainer.

In a speech today, the President finally stated that these companies don't need these tax breaks. Senator WYDEN has a provision currently in conference that would accomplish some of this. Senators FEINSTEIN and SUNUNU have tried to remove some unnecessary tax breaks for these companies as well, which are already rolling in profits. Numerous groups have agreed, from the League of Conservation Voters, National Environmental Trust, Public Citizens, Taxpayers for Common Sense, and the oil companies—they all agree these incentives are not needed.

We are not talking about \$100,000 or \$500,000 or a half billion dollars; we are talking about \$2.6 billion. You can do an awful lot with \$2.6 billion. So I

think we should take the first step in taking control of our national energy policy and show the oil companies that we are listening. They say they don't need it. They say they would support it being repealed. Let's not let them down. Let's, for one time, vote on something that everybody, including the recipients, seems to be in agreement with—everybody from the President, to the Senator from Delaware, to the chairman of the board of ExxonMobil, to the National Environmental Trust.

I will withhold doing it now, but I tell the chairman that at some point, I will be here to introduce that amendment, which will call for the sense of the Senate that the tax committee, the Senate Finance Committee, the committee of jurisdiction, report back to the Senate within 90 days a repeal of these incentives.

I thank my colleague from Mississippi for listening and the Chair for giving me the floor. Unless somebody else seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3598

Mr. MENENDEZ. Mr. President, I have an amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 3598.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MENENDEZ. Mr. President, I rise with a series of colleagues to offer an amendment that provides much needed, immediate relief for America's drivers. My amendment suspends the 18-cent Federal gas tax for 60 days and makes up for the lost revenue by getting rid of unnecessary tax giveaways to oil and gas companies.

In 2005, the oil and gas industry made nearly \$140 billion in profits. The five largest oil companies made over \$106 billion. ExxonMobil alone made a staggering \$36 billion. Put another way, ExxonMobil's profit alone last year is more than the Federal Government spent on unemployment insurance,

more than it spent on medical research, and more than it spent on the Nation's highways. Their CEO just got a \$350 million retirement package. That is about \$144,000 a day for every day he worked at the company. These record profits and gilded bonuses are occurring while the American people struggle to get to work, to get home, to pick up their kids from school, to take them to a soccer match, or to go to a doctor, all because of record gas prices.

Last year, the big oil companies hiked gas prices and blamed an act of God. But it is crystal clear that the current spike in gas prices is at least partly due to an act of greed—greed that has been enabled and even encouraged by the administration, greed that has been aided by an energy bill that put the oil and gas companies first and the American people second. The energy companies were already enjoying record profits and massive tax breaks when the President signed an energy bill that gave them billions more in taxpayer subsidies, plus additional relief from having to pay royalties—in essence, the Nation's collective patrimony for the oil and gas they produce in our oceans. The last thing the oil companies need is more handouts. The first thing the American people need is more help.

My amendment would give them that help by establishing a 60-day holiday on the Federal gas tax. As we head into the summer driving season and its traditionally higher gas prices, we should not be burdening American consumers with additional taxes. Temporarily suspending the gas tax will provide \$100 million a day in relief to America's drivers, America's consumers.

But we cannot starve the highway trust fund with the crucial money needed to fix our Nation's roads. My amendment will repeal three unnecessary tax breaks currently enjoyed by the oil and gas companies, and it will also eliminate royalty relief and other production incentives enacted last year as part of the Energy bill.

With the price of oil as high as it is and unlikely to drop in the foreseeable future, companies don't need more incentive from the Federal Government to do their job.

This amendment, of course, is only a short-term fix. We need a real energy policy that takes real steps toward ending our dependence on oil, not the lipservice the President has given this issue before and gave again this morning.

I listened to what he had to say. The President talks about wanting to end our dependence on foreign oil, but instead of starting a Manhattan-type project to lead us to energy independence, we propose baby steps. The President's budget for fiscal year 2007 barely brought renewable and clean energy research funding back to 2001 levels, and it cut energy efficiency programs by 13 percent. In all the President's spending, there was only 23 percent of what

Congress requested in the Energy Policy Act for energy efficiency programs and only 1 percent for renewable energy programs.

The President continues to have the blinders on when it comes to real solutions for our energy problems. He said that consumers should buy more efficient cars, and we agree. But he remains opposed to higher fuel efficiency standards. The most recent CAFE standards will improve light truck mileage by only 2.5 miles per gallon. That is simply not enough. Passenger cars have the same standards they had in 1985, over two decades ago. That is not enough.

The President also continues to expect the oil companies, out of the goodness of their hearts, to spend substantial amounts of money on alternative energy technologies. Some of the more forward-thinking companies are doing that, but most are not. It is the Government's job to invest in these technologies, and the President's budget has shown that he is not serious about doing that.

In short, he suggests and he wants the oil companies and the American consumer to do the things he is unwilling to do.

Last month, I joined Senator BINGAMAN and the Senate Democratic leader and other Democrats in offering an amendment to fully fund energy efficiency and renewable energy programs in the fiscal year 2007 budget. Unfortunately, it was defeated.

Democrats in both Chambers have been at the forefront of proposing real solutions to our energy problems, and we were the first to call for the President to investigate price gouging by oil companies, a call he appears to finally have heeded.

This amendment is another idea that this Congress and our President need to adopt. It is about providing immediate relief to overburdened consumers who cannot afford for us to wait much longer. This morning, the President finally appears to be feeling the pressure families have been feeling at the pump for quite some time.

We heard what he had to say. The difference is that he doesn't make a commitment. He says we should phase out all of those tax benefits we have given the oil companies over the next decade, but he doesn't commit it back to America's consumers. Our amendment does that in the short term to give immediate relief to America's consumers while still maintaining our transportation trust funds, the funds necessary to continue to keep America moving.

That is what this amendment is all about. It is about keeping America moving, about keeping America rolling, and about helping the families of this country in a very significant way.

I think putting \$6 billion in the hands and in the pockets of America's consumers is ultimately giving them real relief at a critical time. Obviously, putting that amount of money in their pockets at this time as they try to deal

with high gas prices will have a ripple effect in the economy, as is also realized in the money that will be saved by those who bring to market produce which ends up on our tables, and the costs of the transportation of products to market across a wide scale of different consumer needs are going to be affected as well.

We see consistently companies adding a fuel surcharge to the cost to the consumer. So this will have a ripple effect in many different ways, and it is something we have the wherewithal to do and do now and by doing so sending at the same time, I hope, a message to the world marketplace and certainly to OPEC that we are not hostage to them without some options of our own.

Let's show American families that we are serious about addressing today's exorbitant gas prices. Let us adopt this amendment to provide real relief now. I urge my colleagues to join me and adopt this amendment.

I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, under rule XVI, I raise a point of order against the amendment. It is legislation on an appropriations bill.

Mr. MENENDEZ addressed the Chair. The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I tried to seek recognition to speak to the point of order. I simply wish to say this is consistent with what the President proposed this morning, so I believe we should have a vote on the Senate floor. If we don't have a vote today, we are going to continue to bring this measure before the body and will eventually get a vote.

Mr. President, I ask unanimous consent that notwithstanding the points of order which lie against this amendment, the amendment still be in order.

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Dakota.

Mr. THUNE. Mr. President, there is no bigger issue facing the economy of the United States of America at the current time than the high cost of energy, and it has a ripple effect throughout the entire economy. In my State of South Dakota, we have farmers who are getting ready to go into the fields to plant. Obviously, agriculture is a very energy-intensive industry.

In my State of South Dakota, we rely heavily upon the travel industry. People come to our State to see the Black Hills and Mount Rushmore, so we are a very energy-intensive State. We have

long distances to cover. So when gas prices come up and shoot through \$3 a gallon or near that level in my State, it has a profound impact on the economy of our State and on the pocket-books of all South Dakotans. It is important that this issue be addressed.

We have heard a lot of speechifying on the floor of the Senate today and a lot of news conferences held in front of gasoline pumps across this country, everybody attacking and pointing fingers and playing the blame game as gas prices have steadily crept upward.

I will be the first one in this Chamber to say that if, in fact, the oil companies have profited at the expense of hard-working consumers in this country, that they should be prosecuted to the full letter of the law. If there is manipulation, collusion, price fixing, or any other form of anticompetitive behavior for which we have laws in this country, then they need to be held accountable under those laws.

Furthermore, I also happen to believe that if, in fact, they benefit from policies that are put in place, economic policies from which they can benefit, whether that be a tax incentive in the Tax Code today, that they have an accountability to us as Members of Congress to explain why, for example, they can pay out \$400 million to a retiring executive or CEO.

It seems to me at least that there are some very hard questions that need to be asked and some very serious answers that need to be given by folks in that industry. They need to be accountable to the American public. As I said before, I believe we need that accountability. I believe we need to look at those policies in place today from which those companies benefit. If, in fact, they are making such enormous profits, then perhaps they don't need the support and the tax incentives that are given to them by the American taxpayers, by Congress. So I am not going to in any way defend what are the practices, I believe, of many of the big oil companies in this country.

Having said that, though, there is also a lot of hand wringing going on and self-righteous politicking going on right now about the high cost of energy and attempts again to cast aspersions, cast blame, try and blame the President, blame the Republicans, and all these efforts that are made by people who would rather have a political issue than they would have a solution.

I have to say it seems to me that at the heart of this very issue is also what I would call a decade of obstructionism. We have tried for many years—I served for three terms as a Member of the House of Representatives—to get legislation through that would allow us to lessen our dependence upon foreign sources of energy, to add to the supplies we have in this country, to allow us to take advantage of the rich resources we have in America. Every time we have tried to do that since I have been here as a member of the majority party in the House

of Representatives and now in the U.S. Senate, we have been blocked. We have been rebuffed by the folks on the other side of the aisle. In many cases, those have been tactics employed which haven't reflected the majority in the Senate. There have been steps taken to create a supermajority, a filibuster threshold over which we would have to get in order to get some of these policies put in place.

I go back to 1995 when, at that time, the Republicans had just taken control of the Congress and they passed in the budget that year legislation that would authorize exploration on the North Slope of Alaska. It passed the House and Senate, went to President Clinton's desk, and it was vetoed. We hear this still being debated in the Senate today. We get up and talk about the importance of taking advantage of the resources we have here in the United States of America, including the North Slope of Alaska; we hear the Democrats on the other side get up and say: Well, you can't do that. It could take 10 years for us to get that production on line. Well, it is 10 years later. That was 1995. It is now 2006, and we could have a million more barrels of oil in the pipeline today addressing what is a very serious supply problem in this country, had that bill been signed into law back in 1995.

We have tried repeatedly since that time, a number of times as a Member of the House of Representatives, where we voted. We voted to allow for that development to occur, for that exploration to occur, and perhaps eventually production to occur, and, of course, again it was blocked and stopped.

Most recently in December, in the Senate, before we adjourned for the Christmas holiday, we had a vote on whether we were going to do something to help ourselves in the area of energy independence and to develop that rich resource we have, somewhere between 6 billion and 16 billion barrels of oil on the North Slope of Alaska, or about a million barrels a day. We get about a million and a half barrels a day from Saudi Arabia. Can you imagine how it would lessen the supply problem if we were able to bring that energy on line in this country? Yet again it was filibustered. We had 57, 58 votes in the Senate—a clear majority for doing something about our supply problem. Yet the other side again blocked and now wants to blame, instead of doing what we ought to have been doing all along, and that is working in a bipartisan way to address what is a very serious crisis in America.

I remember when I was growing up back in the 1970s, and people who were around at that time also remember the gas lines, remember the talk at the time about we are way too dependent upon foreign energy; we have to do something to lessen our dependence on foreign sources of energy. At that time, we were 50 to 55 percent dependent upon foreign sources of energy. Here we are some 30 years later, and 60 percent

of our supply comes from outside the United States. We have had opportunities throughout the course of the time that I have been here to do something about that. Every time I have voted to develop, explore, and to bring on line many of those resources which are available to us for development, it has been blocked and stopped by those on the other side who insist on having a political issue rather than a solution.

Just because I was interested in this debate, as a Member of the House—and as I said, I voted on energy exploration on the North Slope of Alaska, what we know as ANWR—I went up there last year because I wanted to find out what the debate was all about because in trying to understand these issues, when you come down here on the floor of the Senate, I believe it is important that you have a full perspective and insight into the arguments that are made by those on the other side. So we went to some of the development sites. We went to Prudhoe Bay, we went to the Alpine site, we went to Kabarak, and we went to the section 1002 area, which is the area which was proposed for development by an agreement that occurred way back in 1980, I believe between Senator STEVENS and someone on the other side of the aisle at that time. We looked at that area. We took one of those little planes, and we flew out there and walked around in that particular area, and we looked at the technology that is available today at some of those sites and how they, with a very minimal footprint on the surface, are able to access enormous amounts of energy below the surface in an environmentally sound way. They use ice roads, and then during the summer months when everything melts, the roads disappear; they are gone.

It is a remarkable thing for anybody who wants to see it. You walk away from that saying: Hold on just a minute here. I don't understand what the big issue is. We have an opportunity to do something about what are the most pressing economic issues and one of the most pressing national security issues facing our country, and that is energy and energy independence, energy security, and we have this vast resource up there and we can't get at it because it is consistently filibustered here in the Senate even though there is majority support, 57, 58 votes in favor of that. Yet after it passed the House and it went through the Senate, it got to conference and it came back, and we had an opportunity to do something that would allow us finally—finally—to explore and hopefully bring on line that incredible resource on the North Slope of Alaska.

For those who are concerned about the impact on the environment, you should know that the caribou are doing fine. Caribou numbers have actually increased, and they have dramatically over the past 30 years in that area.

My point very simply is this: We as a nation have to do something to help ourselves. We cannot continue to be

held over a barrel by the sheiks and the mullahs in the Middle East or by Venezuela or any of the other countries from which we derive the majority or the vast majority of our energy supplies in this country. America needs to be energy independent.

I believe that consists of many things. I have been a big proponent of renewable fuels. As a Member of the House and now as a Member of the Senate, I was delighted that we were able last summer in the Energy bill to include in there a renewable fuel standard for the first time. As a matter of policy in this country, we have said we are going to guarantee a market for renewable fuels. Frankly, why would we not, when we have all of these things which we raise and grow, take a bushel of corn and be able to convert it into 2½ gallons of fuel we can use to run our economy here in this country, do that? It makes so much sense, and it lessens our dependence upon our addiction to oil, which, as the President said in his State of the Union Address, and I give him great credit for that, is something we need to do, a direction in which we need to move. Renewable energy is an important component of that. I believe there are a number of things that we need to be doing in the area of conservation as well, but I want to see more partnerships between manufacturers and retailers and producers of ethanol and biodiesel and other renewable energy so that we can begin to get away from that enormous amount of dependence we have on oil.

Even today, we hope to produce in the very near future 7.5 billion gallons of ethanol, which is what is called for in the renewable fuel standard. I think we are going to have to increase that dramatically because we are going to be there very soon. We are already at the 4.5 billion gallon level, on our way very quickly to 7.5 billion gallons, because we have a desperate need in this country, and production is coming on line more and more all the time. But even at that level, we use about 140 billion gallons of gasoline a year in this country. So ethanol represents about 3 percent of what the total demand or total consumption in America is for energy today. So it is important in this whole debate that we continue to develop those other sources, those traditional energy sources until such time as we can get where we begin that transition toward renewable energy.

But in the short term, we have a need. We have a need for oil resources. As I said, in places such as Alaska, we have an opportunity to do some things offshore in this country. We have a lot of offshore resources and reserves that are available, not only of oil but of natural gas, which is also a desperate situation which many people in my part of the country, in farm country, depend upon because that is what fertilizer is made from.

Every time we have had an opportunity to do something to address the long-term issue of supply in this coun-

try, we have met the politics of obstruction. I mentioned earlier going back to 1995 when Congress passed legislation that would authorize exploration of energy in Alaska. But if you look more recently than that, going back even to 2003—when the President took office in 2001, they created an energy task force, they made recommendations, they came up with an energy plan, and there was an energy bill that was debated up here on Capitol Hill, several different permutations of that, and ultimately one passed. In 2003, an energy bill passed. It passed the House and Senate, and it went into conference. The conference came out with a report that passed overwhelmingly in the House, came back to the Senate in November of 2003, and it was filibustered.

It failed by two votes. Fifty-eight votes to shut off a filibuster here in the Senate that would have gotten us an energy bill 2 years sooner, gotten us down the path toward a renewable fuel standard 2 years sooner, and addressed some of those supply issues 2 years sooner. But no, it was blocked. It was delayed, it was filibustered, and it was killed in 2003 by that Congress.

So to have people getting up now and many of my colleagues on the other side going out and holding news conferences and getting up on the floor of the Senate and beating their chests and making all these self-righteous speeches, to me it seems to be the very essence of hypocrisy, if you look at a decade-long practice of obstructionism when it comes to putting in place sound energy policies that would have lessened our dependence upon foreign sources of energy and put us much closer on a path toward energy independence.

So as we get into this, I have a piece of legislation which I have introduced along with Senator OBAMA from Illinois that would provide additional incentives for fuel retailers to begin to install pumps that would pump E-85, to build the demand and continue to create this market, this opportunity to work on the production side. On the retail side, again, we need to be working with the manufacturers when it comes to these flex fuel-type vehicles. I will continue to press forward on renewable fuels. That legislation—it is a bipartisan bill—and I hope it is something we can move through this Chamber, along with other types of initiatives, including additional supply initiatives.

Frankly, there is one other issue which I should also mention because, there again, we ran into basically party-line resistance in the Environment and Public Works Committee. We tried to pass through the Environment and Public Works Committee earlier this year legislation that would expand our refinery capacity. We have not built a refinery since 1976. We had Katrina wipe out much of our refinery capacity in the gulf and, as a consequence, we are having a difficult time not only with the supply, but we

are also having a difficult time with refineries. We have what, in my view, we ought to be doing, and that is waiving a lot of these requirements on these boutique fuels because right now, at this particular time of year, the refineries have to go through this exercise of remixing and coming up with all of these different types of blends. It seems to me that at a minimum, we ought to be able to at least give them some temporary relief from that, but we also need to be building more refineries in this country.

We voted on that in the Environment and Public Works Committee, and it went down for all intents and purposes on a party-line vote. There was one Republican who voted with the Democrats. The fact is, that is true. But we had a wall of opposition from the Democrats on the Environment and Public Works Committee to even reporting the bill to the floor so that we could engage in a debate so that all Senators have an opportunity to participate in that debate about whether we ought to do something about the issue of refinery capacity in this country.

So my point again very simply is this: Since I have been here, in three terms in the House and during my time in the Senate, I focused on energy because it is important to my State, as I said earlier, and because I am a big proponent of increased use of renewable fuels. But every time we have had a chance to vote, whether it is ANWR, whether it is offshore production, whether it is refineries, whether it is the Energy bill in 2003, we run into the same arguments. And you will hear the same arguments that we heard in December and that we heard back in 1995 when we debated at that time the authorization of exploration in Alaska, and that is: It will take 10 years. Well, like I said, 10 years ago, if President Clinton had signed that bill into law, that 10 years would now be up. But the point is, we can't afford to wait another decade. We can't allow another decade of obstructionism to prevent us from doing what we ought to be doing to make America's energy future more secure. It is important that we focus as Senators, and I hope in a bipartisan way. But it doesn't help the issue to have all of this partisan hand-wringing and politicking. I know it is a year divisible by two. Whenever it is a year divisible by two, the rhetoric escalates a lot, and when everything gets said and done, a lot more gets said than done.

The reality is, we have an issue on which the American people want action. They should have had action 10 years ago. They should have had action 6 years ago. They should have had action 4 years ago. They should have had action in November of 2003, when that particular Energy bill was filibustered by our colleagues on the other side. But it is never too late to do the right thing.

We have an opportunity to do the right thing for the American people. If

that consists of, as I said earlier, taking on the oil companies if there is any evidence whatsoever that there has been collusion or price fixing or gouging or any form of anticompetitive activity, then let's put the screws to them. Let's prosecute them to the full letter of the law. But let's also do something we should have done a long time ago, and that is begin to develop the resources that we have in this country and do something to help ourselves so 30 years from now, when my kids are my age, they are not saying the same thing that I am saying today, and that is that we have wasted 30 years and we are still as dependent on foreign sources of energy.

Frankly, I don't think we can wait that long because I do believe energy security is a matter of national security, and there is nothing that has a more profound impact and effect on the pocketbooks of working Americans. It is important that we do something about this. It is time to end the block-and-blame game. It is time to get down to the business of taking care of the needs of the American people that they expect us to address.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, for the information of Senators who may be interested in knowing what the plan of action is for the remainder of today, we have pending before the Senate an amendment offered by the distinguished Senator from New Hampshire, Mr. GREGG, relating to border security, to strengthen, tighten up the provisions of this bill with respect to adequacy of funding to protect the security of our borders.

It is our understanding that the other side would like to have an amendment also offered tonight, with debate on it, as much as whoever wants to discuss it would like to engage in, and then enter into some kind of agreement on having votes, back-to-back votes or close together tomorrow, on the two amendments, the Gregg amendment and whatever amendment is offered on the other side.

That is the situation as I understand it. I am happy to see the distinguished Democratic leader on the floor. He may be able to add to that or clarify the intentions with respect to another amendment tonight.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the manager of the bill is absolutely right. We have an amendment that has been laid down by the Senator from New Hampshire. We are going to lay one down. Rather than do a second-degree, we have talked to the floor staff, and it would be more appropriate to have two side by side.

Subject to the approval of your leader, we would have those two votes around noon tomorrow. We will debate. Anybody who wants to debate it to-

night can do so and then we will come in in the morning and divide up what time is left over after morning business and have that vote. As I indicated, I only briefly talked to the majority leader about this. We had a meeting down at the White House, so I didn't talk to him at any great length, but this sounds like a fair way to go forward and move this bill along a little bit.

Mr. COCHRAN. I thank the Democratic leader.

AMENDMENT NO. 3604

Mr. REID. Mr. President, I have an amendment at the desk. I call that up.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. REID. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3604.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide, with an offset, emergency funding for border security efforts)

TITLE —BORDER SECURITY EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY DEPARTMENT OF HOMELAND SECURITY OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, \$2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, \$50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, \$60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$180,000,000, of which \$80,000,000 is for border patrol vehicle replacement and \$100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, \$790,000,000, to remain available until expended, of which \$40,000,000 is for helicopter replacement and \$750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction", \$120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, \$80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, \$18,000,000, to remain

available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. REID. Mr. President, I am going to briefly talk about this amendment tonight and then we will have more time in the morning if necessary.

I had the opportunity 3 weeks ago tomorrow to go to the border, the Mexico-California border. We flew. We could see the Arizona border. I spent the day there and certainly got an understanding of some of the problems that these valiant Border Patrol agents face.

San Ysidro, CA, is one of the entry points. It is hard to visualize this, but think in your mind's eye of 24 lanes of traffic coming into America from Mexico. That is what is at San Ysidro, 24 lanes of traffic, one way; 24 lanes of traffic, 7 days a week, year round.

While I was there, the agent showed me some of the things they had been able to catch: a little utility truck, and hidden in it was narcotics in a secret compartment; a car, a compact car, and they had built a canvas drop in it under the back seat. Eight people were stuffed into that in the compact car, underneath so you couldn't see them, but the dogs and agents were able to pick them up.

These were only two examples. All day long this goes on. I talked to the agents about the walls that have been put up. These people, called coyotes—call them whatever you want—these people, who are criminals, who take money from Mexicans to bring them into the United States, sit up on one fence, which is a metal fence. On the other side there is a chain-link fence. If they see a Border Patrol agent, they have these powerful slingshots that have hospitalized our agents.

The Border Patrol agents say they can handle most of the traffic of people coming across the border. But what they need is protection against automobiles coming across the border. That is what they need help with. In a few places they have big metal things, about this big, that are stacked side by side to keep automobiles from coming across the border.

The only reason I paint this very meager picture of some of the things I saw is, as we speak, there is an emergency on the southern border. I am happy for the \$2 billion. I am happy to put it into border security. That is important. I have talked about comprehensive immigration reform, and I have done it often and I always start with: Let's protect our borders. Then we move into the guest worker program, then we move into the path of legalization, and then we move into what we are going to do to make sure employment sanctions are meaningful.

I am in favor of the \$2 billion, but I am not in favor of the across-the-board cut that is in the underlying Gregg amendment. That is not right. It is not right because it is robbing Peter to pay

Paul. The amendment I have offered will secure the border in the same way as the Gregg amendment. It is the same amount of money. The difference is, I say, on an emergency appropriations bill, which we have before us—if there were ever an emergency, this is it—the Gregg amendment makes no sense. I have the greatest respect for Senator GREGG. I think he is one of the most principled people with whom I have ever dealt. But I say this amendment makes no sense. It robs Peter to pay Paul at the end of the day by taking vital resources away from who? Our military. And it fails to make us more safe. It makes us less safe.

There are lots and lots of examples of what an across-the-board cut would do. In order to pay for border security, it cuts the military personnel account, which includes cuts to pay and benefits for our Active Duty, our Guard and Reserve serving now in Iraq, Afghanistan, and elsewhere around the world. Do we want to have an across-the-board cut there? I don't think so. I hope not.

The underlying amendment, the Gregg amendment, makes cuts to operations and maintenance which provide for the body armor, for example, and the other day-to-day needs of our troops fighting in Iraq and Afghanistan.

The underlying Gregg amendment makes cuts to the Iraqi security forces training. I had the good fortune to be invited to the White House today, and on the big TV screen there in the White House we had the Ambassador to Iraq from the United States and General Casey telling us what is going on in Iraq.

One of the things General Casey and Khalilzad talked about was what is happening with the training of Iraqi forces. We are going to cut this money down as a result of border security? I don't think that is a good idea.

If we are going to succeed in Iraq, and that is very questionable at this time, but if we are going to succeed in Iraq, and I hope we do, one of the key areas of concern is the Iraqi security forces. If we are going to bring our troops home, we have to bring them up, and this amendment, the Gregg amendment, cuts those moneys.

The Gregg amendment makes cuts to the Joint Improvised Explosive Device Defeat Fund, which aids our troops in eradicating the deadly IEDs they confront daily. The reason that is so vitally important is when the war started, basically what the terrorists used were garage door openers. That is what they used, a garage door opener, basically. A vehicle comes by, they planted a bomb, they push that down, it blows up.

We have worked on ways to change that. But the Iraqis have also worked to stay ahead of us. That is why we still have these bombs going off. It is because we have to continually work with money from the Improvised Explosive Device Defeat Fund to have scientists and other technicians decide

how we can defeat these explosive devices. The Gregg amendment cuts these moneys.

The Gregg amendment makes cuts to the Defense Health Program which provides medical assistance to our troops on the battlefield. One good thing about this war—and there are not a lot of good things about this war—is the percentage of the soldiers who are wounded who end up dying is very much less than in any other war because we have such great medical attention on the battlefield and we have protective equipment for these soldiers.

So they are not dying at the rate they did in the first Iraqi war, certainly not in Korea, and certainly not in the Second World War and certainly not in Vietnam. But the Gregg amendment makes cuts to this defense health program which provides medical assistance to our troops who are in the battlefield, not after they have come home. And really, the senseless nature of this amendment is that it makes cuts to the Death Gratuity Fund which assists families of fallen soldiers.

Also, I think almost every Senator has been to Walter Reed or Bethesda. You will see parents there with their wounded sons and daughters, husbands and wives. There is a fund that helps bring these people here. A lot of it is done through other charitable organizations, but we don't want to cut the Defense Health Program. And we don't want to cut the Death Gratuity Fund.

The Gregg amendment forces us to take from our troops to fortify our borders. That is a false choice. We do not have to choose between a secure border and a secure military, especially at a time when we are in a war. We can secure our borders and support our military.

As I have indicated, I am 100 percent for securing our borders. But we can find a better way to do it than cutting necessary resources from the men and women who keep us safe. This is an emergency appropriations bill. If there were ever an emergency, it is our border with Mexico and at times the northern border.

So I hope we can go forward with these resources but, as with the other things in this bill, this is an emergency. Our amendment calls for spending the \$2 billion, but it would fall in line with the other matters in this bill. It would be an emergency.

I hope Senators will vote for this, what we call a side-by-side that I have offered. This is the right way to do this. I don't think anyone should have on his or her conscience voting an across-the-board cut on a defense bill. This is basically a defense bill, this supplemental. We should not have this on our conscience. Border security is an emergency without any question in my mind. I hope Senators will agree.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, this is a statement of an agreement that has been reached between the two leaders regarding the votes on the pending amendments.

I ask unanimous consent that at 12 o'clock on Wednesday, April 26, the Senate proceed to a vote on the pending Gregg amendment, as modified, to be followed immediately by a vote on amendment No. 3604 on the subject of border security offered by Senator REID; provided further that no second-degree amendments be in order to the amendments and that when the Senate resumes consideration of the bill on Wednesday all debate time until the votes be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the distinguished Democratic leader, and I thank all Senators for their cooperation in the consideration of this bill today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3594, AS MODIFIED

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Gregg amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 3594), as modified, is as follows:

At the appropriate place, insert the following:

TITLE ___—BORDER SECURITY
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY
DEPARTMENT OF HOMELAND SECURITY
OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, \$2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, \$50,000,000, to remain available until ex-

ended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, \$60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$180,000,000, of which \$80,000,000 is for border patrol vehicle replacement and \$100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, \$790,000,000, to remain available until expended, of which \$40,000,000 is for helicopter replacement and \$750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction", \$120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, \$30,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, \$18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS TITLE

REDUCTION IN FUNDING

SEC. _____. The aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed \$67,062,188,000.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY PRICES

Mr. FRIST. Mr. President, I would like to make a few comments on what is on the forefront of most people's minds today, especially if they have been in their automobiles or their trucks or driving their tractors, and that is the rising oil prices. As the weather heats up and families plan their summer vacations, many are getting increasingly frustrated by the rising price of gas. Every day it seems gas prices are ticking up, and some areas of the country gas prices have already topped a whopping \$3 per gallon. Experts tell us that these already high prices only threaten to get worse as we head into the summer driving months.

While we understand global supply and demand pressures around the world, especially China and India, are the main culprits, it really doesn't